

## **REMARKS**

Claims 1-2, 4-12 and 15 are pending. Claims 1, 2, 4 and 5 are rejected, claims 6-12 are withdrawn, and claim 15 is allowed. Independent claim 1 has been amended.

### **I. 35 U.S.C. 102(b) Rejection:**

Claims 1, 2, 4 and 5 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent no. 5,330,269 (Kamada). Applicant has amended independent claim 1 to clarify that the opposed wall portions of the bag are sealed directly to each other. Applicant submits that Kamada does not teach such a structure.

Rather, Kamada teaches a bag having a laminate 4 of tapes located between substrates 51 (i.e. wall portions of the bag). In particular, Kamada teaches a bag having several layers, including 51, 52, 41, 42 and 43. Layers 41 and 42 are sealed to substrate 51 via heat sealing layer 52, and layers 41 and 42 are sealed together via a peel-seal layer 43. Therefore, because substrates 51 are not sealed directly to each other, Kamada does not teach a bag having a top seal formed by sealing opposed wall portions of the bag directly to each other, as claimed. Accordingly, applicant requests withdrawal of the 102(b) rejection.

### **II. 35 U.S.C. 103(a) Rejection:**

Claims 1, 4 and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent no. 3,680,689 (Grundschober) in view of Kamada. As stated above, independent claim 1 has been amended to clarify that the opposed wall portions of the bag are sealed directly to each other. Applicant submits that Grundschober does not teach such a structure.

Rather, the top seal of the Grundschober bag is formed not between the wall portions of the bag, but by an adhesive mass 23 in which an undulating filament 24 is embedded. Therefore, because the wall portions of the Grundschober bag are separated by the adhesive mass 23 and undulating filament 24, the wall portions cannot be sealed directly to each other, as claimed.

Furthermore, applicant maintains that it would not have been obvious to combine Grundschober with Kamada. Accordingly, applicant requests withdrawal of the 103(a) rejection.

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37 CFR § 1.116**

### **III. Conclusion:**

Applicant therefore asserts that each rejection to the claims has been overcome, and a notice of allowance is earnestly solicited. The Examiner is requested to contact the undersigned at the telephone number appearing below if such would advance the prosecution of this application.

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